IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

WP(C).No. 4927 of 2007(J)

PETITIONER:

BINDU S.,
(HOSPITAL ATTENDANT, S.A.T. HOSPITAL,
THIRUVANANTHAPURAM), T.C.32/1502, V.K.P.NAGAR,
KANJIRAMPARA P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.K.P.RAJEEVAN

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY**
   ITS SECRETARY, HEALTH DEPARTMENT,
   SECRETARIAT, THIRUVANANTHAPURAM.

2. **DISTRICT MEDICAL OFFICER,**
   THIRUVANANTHAPURAM.

3. **SUPERINTENDENT,**
   S.A.T. HOSPITAL, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.4927/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER NO.A3-22090/03/DMOH DT. 4.5.05.

/TRUE COPY/

P.S. TO JUDGE

tss

K.BALAKRISHNAN NAIR, J.

W.P.(C) No.4927 of 2007 J

Dated this the 6th day of July, 2007.

JUDGMENT

The petitioner is a Hospital Attendant Grade II in S.A.T.Hospital, Thiruvananthapuram. She was appointed on the advice of the Employment Exchange under Rule 9 (a)(i) of the Kerala State and Subordinate Services Rules by the District Medical Officer, Thiruvananthapuram, who is the appointing authority, as per the Special Rules. The method of appointment of Hospital Attendant Grade II is either by promotion of Part-time Contingent Employees or in their absence, by direct recruitment through Employment Exchange. The petitioner submits that there were no persons eligible for promotion at the relevant time and therefore, she may be regularised in service.

2. Heard learned Government Pleader for the respondents.

3. The point raised by the petitioner is covered by the decision of this court in ***Vasanthi v. state of Kerala*** **{2006(1) KLT 288}**.

4. It is ordered that the directions in that case will govern this case also. The District Medical Officer, Thiruvananthapuram shall examine whether there were any persons waiting for promotion when the requisition to the Employment Exchange was sent. If there were no hands available for promotion, the petitioner's appointment shall be regularised, as ordered in the above judgment.

Writ petition is allowed as above.

Sd/-

(K.BALAKRISHNAN NAIR)
JUDGE

sk/

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